

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
	)	
Amendment of the Commission's Rules to	)	WT Docket No. 04-435
Facilitate the Use of Cellular Telephones and other	)	
Wireless Devices Aboard Airborne Aircraft	)	

**ORDER**

**Adopted: April 5, 2005****Released: April 6, 2005**

By the Deputy Chief, Wireless Telecommunications Bureau:

1. On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking* (*Notice*) seeking public comment regarding proposals to replace or relax the Commission's ban on airborne use of 800 MHz cellular handsets, as well as on other proposals to facilitate the use of wireless handsets and devices on airborne aircraft.<sup>1</sup> On March 10, 2005, a summary of the *Notice* was published in the *Federal Register*, establishing deadlines for the filing of comments and reply comments of April 11, 2005 and May 9, 2005, respectively.<sup>2</sup>

2. We have received several requests seeking an extension of the comment period.<sup>3</sup> The parties argue that the current comment period does not provide commenters with a sufficient length of time to conduct the testing and technical analysis necessary to submit thorough and meaningful responses. In particular, Boeing intends to use testing "to verify the operation of a dual-technology (CDMA2000 and GSM) picocell network both on the ground and in the air, and to demonstrate the benefits of a picocell system in limiting potential interference to terrestrial wireless networks."<sup>4</sup> Similarly, in their Joint Request, Telenor and ARINC ask for an extension of the comment deadline in order to complete airborne testing of "a pico cell solution...in order to measure performance, reliability, emissions, and effect on

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<sup>1</sup> Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft, WT Docket No. 04-435, *Notice of Proposed Rulemaking*, FCC 04-288 (rel. February 15, 2005) (*Notice*).

<sup>2</sup> See 70 Fed. Reg. 11916 (March 10, 2005).

<sup>3</sup> See Request of the Boeing Company for Extension of Comment Deadlines, filed March 21, 2005 (supplement filed March 31, 2005) (Boeing Extension Request); Nickolaus E. Leggett Request for Extension of Time, filed March 14, 2005; Joint Request of Telenor Satellite Services, Inc. and ARINC for Extension of Comment Deadlines, filed March 31, 2005 (Joint Extension Request); U.S. Department of Justice/Federal Bureau of Investigation and the Department of Homeland Security Joint Motion for Extension of Time, filed March 31, 2005 (DOJ/FBI/DHS Extension Request). See also Verizon Wireless Comments in Support of Request for Extension of Time, filed April 1, 2005. The Boeing Company (Boeing) states that AirCell, Inc., T-Mobile USA, Inc., Cingular Wireless LLC, and Space Data Corporation have authorized Boeing to reference their support for an extension of the comment filing period. See Boeing Extension Request at 1, fn. 1.

<sup>4</sup> Boeing Extension Request (Supplement) at 2.

terrestrial systems” and to allow the results of such testing to be included in comments that will be filed.<sup>5</sup> In addition, the United States Department of Justice, including the Federal Bureau of Investigation, and the Department of Homeland Security, request additional time to respond to the “important regulatory, technical/operational, and public safety/national security issues” raised in this proceeding.<sup>6</sup>

3. Although it is the policy of the Commission that extensions of time shall not be routinely granted,<sup>7</sup> we find that a limited extension of time in this instance will facilitate the development of a complete record for the Commission's review. The *Notice* specifically sought comment on technological solutions that may enable interference-free operation of wireless devices aboard airborne aircraft, and requested that commenters provide technical data in support of their comments. We conclude that a short extension of time is warranted to enable interested parties sufficient opportunity to review the complex issues raised by the *Notice*, as well as provide commenters a reasonable period of time to conduct the testing necessary to assess the potential interference issues associated with the use of pico cell systems and wireless devices onboard aircraft. We therefore extend by 45 days the comments and reply comments deadlines in this proceeding to May 26, 2005 and June 27, 2005, respectively.

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.331, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the deadline for filing comments in response to the *Notice of Proposed Rulemaking* is extended to May 26, 2005, and the deadline for filing reply comments is extended to June 27, 2005.

FEDERAL COMMUNICATIONS COMMISSION

Scott D. Delacourt  
Deputy Chief, Wireless Telecommunications Bureau

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<sup>5</sup> Joint Extension Request at 2. Boeing and Telenor Satellite Services, Inc., have both been granted experimental special temporary authority to perform ground and airborne testing of pico cell technology. See File No. 0144-EX-ST-2005, The Boeing Company Experimental Special Temporary Authorization, Call Sign WC9XCX (granted March 18, 2005); File No. 0157-EX-ST-2005, Telenor Satellite, Inc. Experimental Special Temporary Authorization, Call Sign WC9XBE (granted March 28, 2005).

<sup>6</sup> DOJ/FBI/DHS Extension Request at 2.

<sup>7</sup> 47 C.F.R. § 1.946(a).